

BOARD OF DIRECTORS – ACTION SUMMARY
Wednesday, February 4, 2004 – 6:00 p.m.

Administration Building
2101 Hurley Way, Sacramento, CA

CALL TO ORDER

The meeting was called to order by President Stewart. Board Members present: Engellenner, Goold, Granados, Jones, Lawson, Stewart, Trujillo, Valley. Director Duveneck, absent. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

PLEDGE OF ALLEGIANCE

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA

Firefighter Jim Learmonth stated his disability retirement is pending. He referenced a letter to the District dated January 23, 2004, (copy distributed to Board), requesting to use up the remainder of his approximate 800 hours of sick leave prior to his disability retirement. The letter outlined the reasons for his request of a post-June 2nd retirement date, and requested Board consideration.

CONSENT AGENDA:

1. **Special Board Meeting Action Summary—January 20, 2004**
2. **Board Meeting Action Summary—January 21, 2004**
3. **Resolution #03-04—Commendation—Gary W. Monk**
4. **Resolution #04-04—Commendation—Joe Anderson, Jr.**
5. **Resolution #05-04—Commendation—Robert E. McGrew**
6. **Resolution #06-04—Commendation—Douglas H. Peccianti**
7. **Resolution #07-04—Commendation—Everett S. McGowan**
8. **Resolution #08-04—Commendation—Gerald A. McCall**
9. **Resolution #09-04—Commendation—Drew A. Gullion**
10. **Resolution #10-04—Commendation—Roderick R. Shannon**
11. **Resolution #11-04—Commendation—Daniel L. Norton**
12. **Resolution #12-04—Commendation—Donald L. Balm, Jr.**
13. **Resolution #13-04—Commendation—Darel S. Anderson**
14. **Resolution #14-04—Commendation—Thomas C. Martin**

• **Board Action:**

Goold/Engellenner—approve the Consent Agenda. Directors Engellenner, Goold, Jones, Lawson, Stewart, Trujillo, Valley, AYE. Director Granados, abstained. Director Duveneck, absent. Motion carried.

ACTION ITEM (S)**1. Authorized Vehicle Limit Increase—(Ritter)**

- The Board authorized a vehicle limit of 305 through the Vehicle Replacement Master Plan. Since its adoption, numerous grant opportunities have developed, vehicles have been reassigned due to business needs, and the Board has taken action that increases the number of vehicles currently maintained. There is a need to reconcile the current Vehicle Replacement Master Plan's authorized limit to accurately reflect current inventory levels.
- Increase from 305 to 314 vehicles, as follows:
 - Decontamination Unit—purchased with grant money.
 - Haz Mat Truck #109—while a truck was budgeted for and purchased from the FY 2003/2004 budget, an additional truck was placed in service.
 - Reserve Haz Mat Truck – purchased with grant money.
 - Taurus sedan for UASI Grant Administrator – position funded with grant money.
 - Taurus sedan for UASI Grant Training Officer – position funded with grant money.
 - Fuel Truck – donated to the District through the Federal Excess Property Program.
 - Fuel Trailer – donated to the District through the Federal Excess Property Program.
 - Aircraft Tug – came from McClellan but was not added to the District's inventory.
 - Trailer – water rescue equipment trailer.
- The increase in inventory does not represent an increase in the FY03/04 budget. Sufficient funds remain due to grant money offsetting vehicle costs.
 - The cost of the two vehicles for the UASI grant-funded positions is \$27,560.
- Staff recommends the Vehicle Master Replacement Plan be amended to reflect the current fleet authorization of three hundred fourteen (314) vehicles.
- **Board Action:**
Granados/Valley—Approve staff recommendation. Directors Goold, Granados, Jones, Lawson, Stewart, Trujillo, Valley, AYE. Director Engellenner, NO. Director Duveneck, absent. Motion carried.

2. Bid Award-Vehicles—(Ritter)

- The Vehicle Replacement Master Plan adopted by the Board for FY 2003/2004 authorized the purchase of nine administrative vehicles.
- Requesting authorization to purchase vehicles from the following lowest bidders, increasing the purchase number to thirteen as outlined in the report:

<u>LOW BIDDER</u>	<u>VEHICLE</u>	<u>COST</u>
Harrold Ford	3 Explorers	\$ 82,452.18
	2 Cargo Vans	\$ 37,430.38
	1 Flatbed Truck	\$ 48,079.49
Folsom Lake Ford	1 F-350 Utility Truck	\$ 27,197.18
	3 F-250 Pickups	<u>\$ 75,145.94</u>
TOTAL OF 10 VEHICLES		\$270,305.17

- ADDITIONAL VEHICLE COSTS (NOT BUDGETED):

<u>LOW BIDDER</u>	<u>VEHICLE</u>	<u>COST</u>
Folsom Lake Ford	1 F-250 Pickup	\$ 27,850.15
	2 Taurus Sedans	<u>\$ 27,560.03</u>
		\$ 55,410.18

NOTE: \$55,410.18 Additional Vehicle Costs
 minus \$27,694.83 Savings on Actual Cost of 10 Vehicles vs Budgeted Cost
 Total \$27,715.35

These purchases do not represent an increase in the FY 2003/2004 vehicle replacement budget due to savings during other vehicle purchases.

- Directors Granados, Trujillo, and Lawson requested a report with a detailed organizational breakdown for assignment of vehicles by division/location, personnel, and program, to include miscellaneous.
- Staff recommends the Board authorize the purchase of the thirteen vehicles to the lowest bidder as shown.
- **Board Action:**
Goold/Jones—Approve staff recommendation. Directors Goold, Jones, Lawson, Stewart, Trujillo, Valley, AYE. Directors Engellenner, Granados, NO. Director Duveneck, absent. Motion carried 6-2.

3. Resolution #02-04—CalPERS Pre-Tax Payroll Deduction Plan for Service Credit Purchase—(Simcoe)

- Staff recommends adoption of a Resolution authorizing a Pre-Tax Payroll Deduction Plan for Service Credit Purchases, such as redeposit of contributions, military time, service prior to membership (Resident Time), and “Air Time” (A.B. 719).
- Service time is purchased by the employee at the employee's cost.
- CalPERS is temporarily honoring the former Sacramento County Fire District's resolution on file. To continue recognizing this provision, CalPERS has required that the Sacramento Metropolitan Fire District adopt a resolution.
- Need for a similar resolution for SCERS to be researched.
- **Board Action:**
Valley/Granados—Adopt the Resolution. Directors Engellenner, Goold, Granados, Jones, Lawson, Stewart, Trujillo, Valley, AYE. Director Duveneck, absent. Motion carried.

4. Resolution-Industrial Disability Retirement-Firefighter James J. Learmonth—(Appel)

[Taken out of order after Closed Session]

- Work related injury resulting in permanent disability precluding performance of duties in the position of Firefighter.

Application filed with the Public Employees' Retirement System.

Recommend adoption of the Resolution.
- Firefighter James Learmonth referenced his letter to Deputy Chief Appel requesting continued employment with use of his accrued sick leave through June 2, 2004. Cited Government Code Section 21163 allowing the use of accrued sick leave prior to the retirement date. He was informed the Code could be altered by agreement -- the Local 522 Memorandum of Understanding (MOU)-Article 16, Paragraph C, outlines the District's provision for paying for unused sick leave up to 30%. He disagreed since that is the minimum available by contract, but felt it appropriate to consider his request because of the significant life events outlined in his letter instead of being forced to accept disability retirement.

- Deputy Chief Appel referred to documents distributed to the Board, citing applicable codes. Government Code Section 21156 states that when the Board is given information demonstrating that an individual is incapacitated for the performance of duties, that person shall be retired immediately.

Under a court case, City of Martinez vs. Workers' Compensation Appeals Board, the provision can be extended for a public safety member on 4850 time opting to participate in a vocational rehabilitation program. They cannot be retired until one of two things happens—completion of their program or the expiration of the 4850 benefits, whichever comes first.

Firefighter Learmonth elected to participate in this program and his 4850 benefits will expire February 17, 2004. After that date, there is no legal authority to continue making payments to him.

- Director Goold inquired about the ability to have side letters to change the MOU.

Counsel Price stated the entire MOU is subject to negotiation, but needed to research it.

- Brian Rice, President of Local 522, stated the MOU is the minimal agreement and if an agreement is reached, it is not prohibited. Speaking on behalf of the Local, he urged the Board to consider this request on a one-time basis only.
- Deputy Chief Appel pointed out in accordance with the information provided tonight on the law as written and the existing contract, this cannot be done.
- **Board Action**
Resolution carried over to a future meeting with a consensus vote by the Board to direct the Fire Chief to find a resolve.

PRESENTATION ITEM(S):

1. Board of Directors Schedule of Regular Meetings—(Stewart/Jones)

- Director Jones was elected as Alternate Special District Commissioner to the Sacramento Local Agency Formation Commission, which meets on the first Wednesday of each month.
- Requested the Board consider rescheduling its monthly meetings and transition to the second and fourth Wednesday to accommodate the LAFCo schedule.

- Public will be notified of any change in meeting dates, to include the District website.
- **Board Action**
General consensus to place this item on the next agenda for action, to consider the change commencing April 14, 2004.

2. Helicopter Program Overview—(Turner)

- Battalion Chief Turner submitted a five-page staff report accompanied by an eleven-page attachment containing the fiscal review document, providing a detailed overview of the District Air Operations Program since its inception, to include:
 - **Attachment A** - An overview of the response activity for the 2003 Fire Season
 - **Attachment's B, C, D** - Documenting the Annual Operating Expenses for Copter 1
 - **Attachment's B, C, D** - Documenting the Annual Fire Suppression Helicopter Leasing Expenses.
 - **Attachment E** - Revenue related to aviation
 - **Attachment F** - One-Time capital expenses associated with the start up and maintenance of the program along with an estimation of the October 15, 2003 engine failure
 - **Attachment G** - Expense Summary of all aviation programs within the District
- The PowerPoint presentation included:
 - ✓ Air Operations History-The District acquired 5 surplus military UH-1H helicopters in December 2001--Copter 1 placed in service October 2002.
 - ✓ 2003 Flight Mission breakdown with a total of 414
 - ✓ Graph of the 2003 Flights and Activities—busiest month in July

- Video of two news clips in September 2002 demonstrating the helicopter's ability as a fire deterrent. As shown in the Folsom Bluffs fire, it is designed to slow down the fire.
- Aviation Program expenses totaled \$1,507,892.64 for fiscal years 2001-2002, 2002-2003, and 2003-2004 versus \$1,423,000.00 budgeted. Engine failure contributed to unanticipated expense.
- Question and answer period.

Dave Smith, citizen of the District, questioned the number of automatic aid calls shown on the report. Helicopter responses should be treated the same as other equipment for tracking purposes in or out of the District--not asking for responses or boundaries to be changed.

- Dispatch responses can be redefined for the following year to accurately provide the information in a more familiar format.
- The Board thanked Chief Turner for his in-depth Air Operations Report.
- Director Trujillo indicated he will make an appointment to discuss the cost issue further.

PRESIDENT'S REPORT—(Stewart)**FIRE CHIEF'S REPORT—(Martinez)**

- Recognition Ceremony for promotions, employees of the year, and service awards will be held February 10, 6:30 p.m., at the Sacramento Association of Realtors, 2003 Howe Avenue at Cottage.
- The Finance Assistant Chief, Janice Simcoe, has announced her official retirement effective May 6, 2004.

No job description is available and would like to bring it forward at the next Board meeting, with open recruitment by the end of February; asked for Board input.

- Director Trujillo requested it be brought to the Policy Committee.
- Board to work with the Policy Committee.

GENERAL COUNSEL'S REPORT—(Price)

Announced the following two settlements:

- Bruce Thomas v. Sacramento Metropolitan Fire District
Claim Number: 6221020131

Stipulated settlement award in the amount of \$17,297.50 plus costs for future medical treatment.
 - James Johnson v. Sacramento Metropolitan Fire District
WCAB SAC 0324330

Stipulated settlement award in the amount of \$12,880.00 plus costs for future medical treatment.
- Both of these settlements were within the settlement authority approved by the Board of Directors.

COMMITTEE AND DELEGATE REPORTS:

[Taken out of order after Closed Session]

Executive Committee—(Stewart)

- Next meeting: TBA

Communications Center Delegate—(Engellenner)

- Anticipate wrapping up the Comm Center labor agreement tomorrow.
- 104 nationwide applicants to-date for Comm Center Manager with 8 eligible for interview
- Comm Center Board election:
Fire Chief Eric Dutton-President
Director Engellenner-Vice President
- Next Meeting: February 24, 2004 – 10:30 a.m.

California Fire & Rescue Training Authority—(Goold)

- Next Meeting: TBA.

Finance Committee—(Jones)

- Next Meeting: February 18, 2004 – 5:30 p.m.

Policy Committee—(Granados)

- Election at today's meeting:
Director Granados-Chair
Director Trujillo-Vice Chair
- Next meeting: March 3, 2004 – 5:30 p.m.

BOARD MEMBER QUESTIONS AND COMMENTS**Stewart:**

- The California Special Districts Association Governance Seminar is being held February 19, 2004, in Rancho Cordova—requested Board approval to attend.
- **Board Action:**
General consensus to approve attendance.

Martinez:

- Letter received requesting nominations for the position of Special Districts Representative to the Sacramento County Treasury Oversight Committee currently held by Janice Simcoe, term expiring June 30, 2004.

This item will be placed on the next agenda. Fire Chief Martinez to check for a staff replacement.

Trujillo:

- Congratulated the firefighters graduating in Class 03-02.
- Attended the Paramedic Intern Class 04-01 Orientation Ceremony at McClellan. Need some provision requiring repayment for training to ensure retention of interns.

Fire Chief Martinez to take under advisement.

RECESS FOLLOWED BY CLOSED SESSION 8:03 PM**RECONVENE TO OPEN SESSION 10:08 PM/CLOSED SESSION REPORT**

Report by General Counsel Price:

1. LABOR NEGOTIATIONS

Pursuant to California Government Code Section 54957.6

District Negotiator: Deputy Chief Teresa Means

Employee Organization: Sacramento Area Fire Fighters Local 522

District Negotiator: Deputy Chief Teresa Means

Employee Organization: Administrative Support Personnel (ASP)

District Negotiator: Deputy Chief Teresa Means

Employee Organization: Battalion Chiefs Organization/Teamsters Local 228

The Board provided direction to the negotiating team. No action taken.

2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(a) – One (1) Case

James J. Learmonth vs. Sacramento Metropolitan Fire District
WCAB SAC 0324418

The Board received the medical information concerning his industrial disability application. Firefighter James Learmonth was heard. No action taken.

Resolution to retire Firefighter James Learmonth on an industrial disability for consideration under Action Item No. 4. [See Page 4]

3. PERSONNEL MATTERS

Pursuant to the California Government Code Section 54957
Communications Center

Not discussed.

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One (1) Case

Application for Leave to Present Late Claim Pursuant to Government Code Section 911.4 by Kathi Oppenheim and Neda Aslanpour, individually and as Guardian Ad Litem for Roger Aden Allen Study, a minor

The Board considered the application and denied it by the following vote:

- **Board Action:**
Engellenner/Goold—deny the Application for Leave to Present Late Claim. Directors Engellenner, Goold, Granados, Jones, Lawson, Stewart, Trujillo, Valley, AYE. Director Duveneck, absent. Motion passed.

ADJOURNMENT:

The meeting was adjourned at 10:25 p.m.

James M. Stewart, President

H. Peter Engellenner, Secretary

Charlotte Tilson, Clerk of the Board